

AO 245E (Rev. 10/2011 EDNY) Judgment in a Criminal Case for Organizational Defendants
Sheet 1

UNITED STATES DISTRICT COURT

EASTERN

District of

NEW YORK

UNITED STATES OF AMERICA

V.

Woodbridge Foam Fabricating, Inc.

JUDGMENT IN A CRIMINAL CASE

(For Organizational Defendants)

CASE NUMBER: 1:14-cr-00263-2 (WFK)

Cynthia E. Richman, Washington, DC 20036

Defendant Organization's Attorney

THE DEFENDANT ORGANIZATION:

☒ pleaded guilty to count(s) One

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The organizational defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
5 U.S.C. § 1	CONSPIRACY TO RESTRAIN TRADE	4/20/2009	1

The defendant organization is sentenced as provided in pages 2 through 1 of this judgment.

☐ The defendant organization has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal business address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's
Federal Employer I.D. No.: 62-0800014

Defendant Organization's Principal Business Address:

Woodbridge Foam Fabricating, Inc.

1120 Judd Road

Chattanooga, TN 37406

Defendant Organization's Mailing Address:

Woodbridge Foam Fabricating, Inc.

1120 Judd Road

Chattanooga, TN 37406

9/11/2014

Date of Imposition of Judgment

s/WFK

Signature of Judge

William F. Kuntz, II

Name of Judge

U.S.D.J.

Title of Judge

Date

Sept. 30 2014

DEFENDANT ORGANIZATION: Woodbridge Foam Fabricating, Inc.
CASE NUMBER: 1:14-cr-00263-2 (WFK)

PROBATION

The defendant organization is hereby sentenced to probation for a term of :
Four (4) years.

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organizations's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address or if such prior notification is not possible, then within forty eight hours after such change;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT ORGANIZATION: Riverside Seat Company
CASE NUMBER: 1:14-cr-00263-1 (WFK)

ADDITIONAL PROBATION TERMS

THE DEFENDANTS SHALL SUBMIT TO THE COURT AND TO THE UNITED STATES A WRITTEN DESCRIPTION OF AN EFFECTIVE ANTITRUST COMPLIANCE PROGRAM (WHICH MAY BE SUBMITTED JOINTLY BY THE THREE DEFENDANTS), ALONG WITH A SCHEDULE FOR THE IMPLEMENTATION OF THE PROGRAM, TO INCLUDE AT LEAST THE FOLLOWING PROVISIONS:

(I) A STATEMENT THAT THE COMPANY HAS REVIEWED AND REVISED ITS WRITTEN ANTITRUST AND COMPETITION LAW COMPLIANCE POLICY AND CODE OF BUSINESS CONDUCT WITHIN THE LAST FOUR YEARS, AND HAS MADE A COPY OF THOSE POLICIES AVAILABLE TO ALL EMPLOYEES;

(II) IDENTIFICATION AND DESCRIPTION OF ANY TRAINING SESSIONS CONCERNING ANTITRUST AND COMPETITION LAW COMPLIANCE OR THE CODE OF BUSINESS CONDUCT THAT HAVE BEEN COMPLETED WITHIN THE LAST FOUR YEARS;

(III) A SCHEDULE OF FUTURE TRAINING REGARDING ANTITRUST AND COMPETITION LAW COMPLIANCE OR THE CODE OF BUSINESS CONDUCT; AND

(IV) A STATEMENT CONFIRMING THE APPOINTMENT OF A COMPLIANCE OFFICER AND DESCRIBING HIS/HER DUTIES, INCLUDING SERVING AS THE DESIGNATED POINT OF CONTACT FOR ANY OF DEFENDANTS' EMPLOYEES WITH INFORMATION REGARDING A POSSIBLE ANTITRUST VIOLATION. IN ADDITION, THE GOVERNMENT RECOMMENDS THAT THROUGHOUT THE TERM OF PROBATION, DEFENDANTS PROVIDE ANNUAL REPORTS (ON EACH ANNIVERSARY OF THE SENTENCING DATE) TO THE COURT AND THE GOVERNMENT REGARDING DEFENDANTS' PROGRESS IN IMPLEMENTING AND FOLLOWING THE ABOVE REFERENCED ANTITRUST COMPLIANCE PROGRAMS. SECOND, THE GOVERNMENT RECOMMENDS THAT ON THE SENTENCING DATE, AND CONTINUING THROUGHOUT THE TERM OF PROBATION, DEFENDANTS PROVIDE ANNUAL REPORTS (ON EACH ANNIVERSARY OF THE SENTENCING DATE) TO THE COURT AND THE GOVERNMENT DESCRIBING ALL JOB TITLES, DUTIES, AND RESPONSIBILITIES GIVEN TO "A PERSON NAMED IN APPENDIX A" BY ANY OF THE DEFENDANTS OR ANY OF THEIR RELATED ENTITIES, AS DEFINED IN PARAGRAPH 13 OF THE PLEA AGREEMENT. DURING THE PERIOD CHARGED IN THE INFORMATION, "A PERSON NAMED IN APPENDIX A" WAS EMPLOYED BY WOODBRIDGE FOAM CORPORATION, A PARENT COMPANY OF THE THREE DEFENDANTS. THE GOVERNMENT ALSO RECOMMENDS THAT, IN CONJUNCTION WITH THE REPORTS, DEFENDANTS PROVIDE WRITTEN REPRESENTATIONS CERTIFYING THAT DURING THE COURSE OF THE PREVIOUS CALENDAR YEAR, "A PERSON NAMED IN APPENDIX A" HAS NOT BEEN INVOLVED WITH, OR PARTICIPATED IN, ANY DECISION OR STRATEGY RELATED TO THE PRICING OR SALES OF PRODUCTS SOLD BY ANY OF THE DEFENDANTS OR THEIR RELATED ENTITIES, AS DEFINED IN PARAGRAPH 13 OF THE PLEA AGREEMENT. AT ANY TIME AFTER THE TWO-YEAR ANNIVERSARY OF THE SENTENCING DATE, IF "A PERSON NAMED IN APPENDIX A" CEASES TO BE EMPLOYED BY OR AFFILIATED WITH ALL OF THE DEFENDANTS AND THEIR RELATED ENTITIES, DEFENDANTS MAY REQUEST THAT THE GOVERNMENT EVALUATE WHETHER IT BELIEVES THAT ANY COURT ORDERED CONDITION OF PROBATION REGARDING (I) THE ANTITRUST COMPLIANCE PROGRAM, OR (II) THE ANNUAL REPORTS REGARDING "A PERSON NAMED IN APPENDIX A", AS DESCRIBED ABOVE, SHOULD BE TERMINATED EARLY. THE GOVERNMENT AGREES TO CONSIDER THAT REQUEST. IF THE GOVERNMENT CONCLUDES THAT SUCH EARLY TERMINATION OF ONE OR BOTH OF THESE CONDITIONS IS APPROPRIATE, IT WILL RECOMMEND SUCH EARLY TERMINATION TO THE COURT FOR ITS CONSIDERATION. FINALLY, DEFENDANTS ARE NOT TO COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME DURING THE TERM OF PROBATION

AO 245E (Rev. 12/03) Judgment in a Criminal Case for Organizational Defendants
Sheet 3 — Criminal Monetary Penalties

Judgment — Page _____ of 1

DEFENDANT ORGANIZATION: Woodbridge Foam Fabricating, Inc.

CASE NUMBER: 1:14-cr-00263-2 (WFK)

CRIMINAL MONETARY PENALTIES

The defendant organization must pay the following total criminal monetary penalties under the schedule of payments on Sheet 4.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 400.00	\$ 1,789,055.00	\$ 0.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant organization shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	0.00	0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant organization shall pay interest on restitution or a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 4 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant organization does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245E (Rev. 12/03) Judgment in a Criminal Case for Organizational Defendants
Sheet 3A — Criminal Monetary Penalties

Judgment — Page _____ of _____ 1

DEFENDANT ORGANIZATION: Woodbridge Foam Fabricating, Inc.
CASE NUMBER: 1:14-cr-00263-2 (WFK)

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

• DEFENDANT WOODBRIDGE FOAM FABRICATING, INC WILL PAY A TOTAL FINE OF \$1,789,055.00, PLUS ANY ACCRUED INTEREST, IN FIVE EQUAL INSTALLMENTS OF \$357,811.00 AND WILL MAKE THE FIRST INSTALLMENT PAYMENT WITHIN 15 DAYS AFTER THE SENTENCING DATE; THE SECOND INSTALLMENT PAYMENT (PLUS ANY ACCRUED INTEREST) BY THE FIRST ANNIVERSARY OF THE SENTENCING DATE; THE THIRD INSTALLMENT PAYMENT (PLUS ANY ACCRUED INTEREST) BY THE TWO-YEAR ANNIVERSARY OF THE SENTENCING DATE; THE FOURTH INSTALLMENT PAYMENT (PLUS ANY ACCRUED INTEREST) BY THE THREE-YEAR ANNIVERSARY OF THE SENTENCING DATE; AND THE FIFTH AND FINAL INSTALLMENT PAYMENT (PLUS ANY ACCRUED INTEREST) BY THE FOUR-YEAR ANNIVERSARY OF THE SENTENCING DATE

DEFENDANT ORGANIZATION: Woodbridge Foam Fabricating, Inc.
CASE NUMBER: 1:14-cr-00263-2 (WFK)

SCHEDULE OF PAYMENTS

Having assessed the organization's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 400.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C or ☐ D below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C or ☐ D below); or
- C ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Special instructions regarding the payment of criminal monetary penalties:

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant organization shall pay the cost of prosecution.
- ☐ The defendant organization shall pay the following court cost(s):
- ☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.